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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,151	09/29/2003	Clifford H. Kraft		1913

7590 03/07/2007
Clifford Kraft
320 Robin Hill Dr.
Naperville, IL 60540

EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,151

Applicant(s)

KRAFT ET AL.

Examiner

Yonel Beaulieu

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Miscellaneous

In view of the Appeal Brief filed on 11/20/2006, PROSECUTION IS HEREBY REOPENED.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,765,998 B2 to Bruce et al. ("Bruce").

Regarding claims 9, 13, 14, 17, 18, 21, and 22, Bruce teaches planning a trip and providing road construction information to vehicle on-board telematics system comprising at least one vehicle telemetric system displaying map information (col. 1, lines 18 – 48; col. 6, line 66 – col. 7, line 18 at least); a central information gathering location for gathering road construction information for vehicle routes supplied by an agency (14), the information including number of lanes affected and the related start and stop times (col. 9, lines 21 – 35 at least), but fails to explicitly teach providing/transmitting such information to the telematics system from the central location and causing the information to be displayed in a vehicle.

However, Bruce has been shown to teach users of the system are able to download the related construction (route/traffic) information to their portable-computing device and review the information as necessary (as noted in col. 10, lines 6 – 11 at least).

It would have been obvious to one ordinary skill in the art at the time of the invention such a teaching suggests an equivalent operation as in the claimed system since there is a provision of the ability for users to display the information in their vehicle (as necessary) in order to achieve the same end result of permitting users to evaluate any route based upon the provided (downloaded) information.

Regarding claims 10 – 12, 19, and 23, Bruce's system is wireless and uses wireless means that is a cellular telephone in a local area network (fig. 1; col. 3, lines 52 – 65; col. 5, lines 61 – 67; col. 6, line 66 – col. 4 and col. 8, lines 42 – 64 at least).

Regarding claims 15 and 16, Bruce charges a fee for the information (element 12 is a subscriber which inherently receives service for a fee; col. 3, lines 18 – 24, 47 – 49; and col. 4, lines 54 – 59 at least).

Regarding claim 20, Bruce further teaches presenting the information in text form (col. 3, lines 33 – 45 and col. 5, lines 40 – 57 at least).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YB

To avoid abandonment of the application, appellant must exercise one of the following two options:

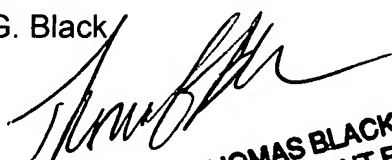
(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Should Applicant elect to initiate a new appeal, it is suggested to revise the format of the Brief filed 11/20/2006. Such Brief would have been non-compliant. It is suggested to preserve the order. For example, while it is acceptable to provide a statement or a paragraph on the history of the prosecution, it is not part of the order and should not be labeled (in this case, it is labeled as item VII); also, arguments to claims rejected under §102 or under §103 should have their own separate section addressing the related section only. This is just a courtesy review/suggestion.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Thomas G. Black



THOMAS BLACK
SUPERVISORY PATENT EXAMINER

Application/Control Number: 10/674,151
Art Unit: 3661

Page 6

Supervisory Patent Examiner

Technology Center 3600